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10/522,163	09/27/2005	Gerard Queveau	0510-1110	3553

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,163

Applicant(s)

QUEVEAU ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: On page 4, in line 17, the word --an-- is misspelled as "un". On page 5, in line 8, the phrase "en position active" appears to be a mistranslation. It is suggested the phrase be changed to --in an active position--.
Appropriate correction is required.

Claim Objections

3. Claim 7 is objected to because of the following informalities: In line 5, the word --maximize-- was misspelled as "maximize". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which

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it is most nearly connected, to make and/or use the invention. The specification does not provide an adequate description of the attachments for the deflecting panel that can be used to attach the panel to the same place where the sliding roof attaches on the windscreen.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the trailing edge" in lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim.

In claim 1, line 4, the word --deflecting-- should be inserted before the word "panel" in order to be consistent with the rest of the claim.

Claim 3 recites the limitation "the rear medial portion" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the leading edge of the flap" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

In claim 7, line 3, the claim appears to claim the same deflecting panel claimed in claim 1 from which it depends.

In claim 10, line 2, the claim appears to claim the same deflecting panel claimed in claim 1 from which it depends.

In claim 11, line 2, the claim appears to claim the same deflecting panel claimed in claim 1 from which it depends.

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In claim 12, line 3, the claim appears to claim the same deflecting panel claimed in claim 1 from which it depends.

In claim 13, line 3, the claim appears to claim the same deflecting panel claimed in claim 1 from which it depends.

In claim 8, line 6, the phrase "rail-type arrangement" is indefinite. It is unclear if the phrase claims that the arrangement is a rail or not.

Claim 13 recites the limitation "the trailing edge" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7, 9-13, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nabuurs (US Patent 6,086,146).

Re claim 1, Nabuurs discloses an uncoverable vehicle including, at least, a windscreen (see figure 1), a sliding roof (3) and two front seats (see figure 1, only 1 seat is shown but it is inherent that most automobiles have at least 2 front seats), which vehicle also includes a wind deflector in the form of a panel (1) fitted with a front rim and with a rear rim, which deflecting panel extends from the trailing edge of said windscreen, on the whole width thereof, characterized in that said deflecting panel is fitted, in its medial portion intended to be situated

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between both front seats, with intrinsic means (4) laid out to deviate an air flux to the inside of the passenger space, in order to oppose the formation of turbulent recirculations.

Re claim 2, the means enabling to deviate an air flux to the inside of the passenger space are formed of a type of scoop arranged in the medial portion of the deflecting panel (see figure 1).

Re claim 3, the means enabling to deviate an air flux to the inside of the passenger space are formed of a type of a scoop arranged in the rear medial portion of the deflecting panel (see figure 1).

Re claim 4, the means enabling to deviate an air flux to the inside of the passenger space are formed of a type of scoop in the form of a tiltable flap housed in a reservation arranged in the deflecting panel (see figure 2).

Re claim 5, the flap is articulated (by 6) at the rear rim of the deflecting panel.

Re claim 6, the leading edge of the flap lies substantially orthogonal to the face of the driver (see figure 1).

Re claim 7, a deflecting panel fitted with appropriate means enabling to adjust and to hold the articulation of the flap (a motor, see column 3, lines 9 and 10) forming a scoop to maximize the flowrate of the deviated air flux.

Re claim 9, the means to deviate an air flux to the inside of the vehicle are composed of a type of a scoop in the form of a channel arranged on a portion at least of the length of the deflecting panel and whereof the axis extends perpendicular to the front rim of said panel (see figure 1).

Re claim 10, the deflecting panel is fitted with a channel which extends substantially on

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its whole length (see figure 1).

Re claim 11, the deflecting panel is fitted with a channel whereof the inlet opening lies at its front rim, arranged substantially perpendicular to its plane P, and whereof the outlet opening lies at its rear end, arranged in the plane P of said panel or slantwise between this plane P and the plane of the inlet opening (see figure 1).

Re claim 12, it includes the deflecting panel is fitted with a channel whereof the inlet opening has a greater section than the section of the outlet opening (see figure 1).

Re claim 13, the deflecting panel is fitted with means which enable the articulation of its front rim on the trailing edge of the windscreen (see figure 3).

Re claim 18, Nabuurs discloses a wind deflector for an uncoverable vehicle according to, composed of a deflecting panel (1) intended for extending on the whole width of the windscreen, which deflecting panel is fitted with intrinsic means (4) enabling to deviate an air flux to the inside of the passenger space, in order to oppose the formation of turbulent recirculations.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nabuurs (US Patent 6,086,146).

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Nabuurs discloses all the limitations of the claim, as applied above, except for the distance measured between the trailing edge of the windscreen and the rear rim of the deflecting panel ranging between 200 and 350mm.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distance measured between the trailing edge of the windscreen and the rear rim of the deflecting panel to range between 200 and 350mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. See *In re Aller*, 105 USPQ 233.

Allowable Subject Matter

12. Claim 8, 15, and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maeta et al., Schutt, Raasakka et al., Schoeller, Jr., and Gotz disclose vehicle wind deflectors.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

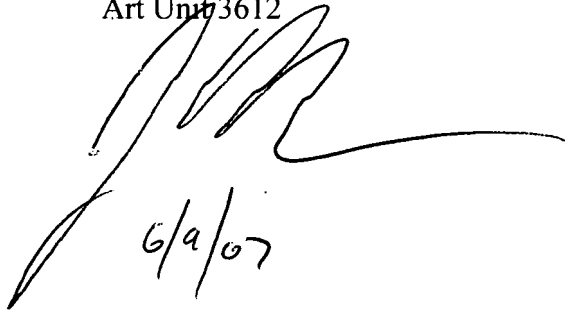
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason S. Morrow
Primary Examiner
Art Unit 3612

June 9, 2007



6/9/07